

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

AMERICAN CIVIL LIBERTIES UNION
OF MICHIGAN,
Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY and U.S. CUSTOMS AND
BORDER PROTECTION,
Defendants.

Case No.: 5:17-cv-11149-JEL-EAS

Judge Judith E. Levy

**MOTION FOR A STAY OF THE ENTIRE CASE
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America hereby moves for a stay the entire case, including the February 13, 2019 hearing, in the above-captioned case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies, including the federal Defendants. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the federal Defendants are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of the entire case, including the February 13, 2019 hearing, until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

5. Opposing counsel has authorized counsel for the Government to state that Plaintiff has no objection to this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the entire case, including the February 13, 2019 hearing, until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: January 25, 2019

Respectfully submitted,

Attorneys for Defendants

/s/ Ashley A. Cheung

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CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2019, I electronically filed a copy of the foregoing. Notice of this filing will be sent via email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

Respectfully submitted,

Attorneys for Defendants

/s/ Ashley A. Cheung

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